

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Sung H. KUO et al.	§	Confirmation No.:	3079
Serial No.:	10/756,903	§	Group Art Unit:	2111
Filed:	January 14, 2004	§	Examiner:	Raymond N. PHAN
For:	Bus Configuration Based On Card Location Within A Plurality of Slots	§	Docket No.:	2162-20900
		§	Client Ref. No.:	200313807-1

**DECLARATION OF PRIOR CONCEPTION AND DILIGENT
REDUCTION TO PRACTICE IN THE UNITED STATES TO
OVERCOME CITED PATENT OR PUBLICATION (37 CFR 1.131)**

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Date: February 27, 2006

Sir:

PURPOSE OF THIS DECLARATION

This declaration is to establish conception of the claimed inventions prior to November 6, 2003, the filing date of the Patent Application to Peil et al. entitled, "System and Method for Scaling a Bus Based on a Location of a Device on the Bus" (Pub. No. US 2005/0102463 A1). This declaration also establishes due diligence from at least just before November 6, 2003 to the January 14, 2004 filing of the instant patent application.

STATEMENT OF FACTS

1. The persons making this declaration are the inventors of the subject matter claimed in the instant application.

2. One or more embodiments of the invention claimed in the instant application were conceived in the United States by the undersigned inventors at least just before November 6, 2003, the filing date of the Peil application.

3. Exhibit A attached hereto is submitted as evidence to establish a conception date prior to November 6, 2003. Exhibit A includes an invention disclosure document prepared by the inventors and submitted to outside counsel for preparation of the instant patent application. Dates on the invention disclosure document have been redacted as permitted by MPEP 715.07. Support for claims 1-24 of the instant application may be found on pages 3 – 6 of Exhibit A. The fact that the contents of Exhibit A were conceived prior to November 6, 2003 establishes conception of the subject matter of claims 1-24 prior to November 6, 2003.

4. Exhibits B – F attached hereto are submitted as evidence to establish diligence in preparing the instant application at least just before November 6, 2003 to its filing on January 14, 2004. Exhibits B, C, E and F include correspondence between outside counsel and counsel retained by the assignee of the instant application on behalf of the inventors.

a. Exhibit B includes a letter from the assignee's in-house counsel to outside counsel requesting a price quote for the preparation of the instant application. The letter is dated October 9, 2003.

b. Exhibit C includes a price quote prepared for assignee by outside counsel regarding the preparation of the instant application. The letter is signed and dated by outside counsel on October 10, 2003. The quoted amount has been redacted.

c. Exhibit D includes electronic mail correspondence (e-mail) from outside counsel to the inventors requesting the review of an initial draft of the instant application. A copy of the initial draft of the instant application was attached to the correspondence. Exhibit D is dated November 7, 2003.

d. Exhibit E includes e-mail correspondence from outside counsel to assignee's in-house counsel requesting review and approval of a final draft of the instant application. A copy of the final draft of the instant application was attached to the e-mail correspondence of Exhibit E. Exhibit E is dated November 13, 2003.

e. Exhibit F includes a thread of e-mail correspondence between outside counsel and assignee's in-house counsel.

i. A message from assignee's in-house counsel to outside counsel, dated December 5, 2003, provides comments and suggested revisions to the instant application.

ii. A message from outside counsel to assignee's in-house counsel, dated December 17, 2003, requests assignee's counsel to review a revised draft of the instant application.

iii. A message from assignee's in-house counsel to outside counsel, dated January 7, 2004, grants outside counsel permission to file the instant application with the USPTO.

5. At least some dates in Exhibit A have been redacted in accordance with MPEP 715.07. Redacted dates in Exhibit A are prior to November 6, 2003. At least some dates in Exhibits B – F are not necessary for establishing due diligence and thus have been redacted.

169827.01/2102.20900

Page 3 of 4

6. We hereby declare that all statements made herein are true; that these statements are made from our own knowledge; that these statements are made with knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



Alan M. Green
19307 Piper Pointe Ln.
Tomball, Texas 77375
Citizenship: US
INVENTOR

Sung H. Kuo
3618 Yupon St.
Houston, Texas 77006
Citizenship: US
INVENTOR

Shawn C. Bish
4169 Whitegate Dr.
Beavercreek, OH 45430
Citizenship: US
INVENTOR

6. We hereby declare that all statements made herein are true; that these statements are made from our own knowledge; that these statements are made with knowledge that willful false statements and the like are punishable by fine, imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,



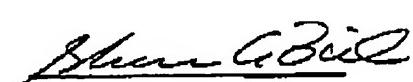
Alan M. Green	Sung H. Kuo	Shawn C. Bish
19307 Piper Pointe Ln.	3618 Yupon St.	4169 Whitegate Dr.
Tomball, Texas 77375	Houston, Texas 77006	Beavercreek, OH 45430
Citizenship: US	Citizenship: US	Citizenship: US
INVENTOR	INVENTOR	INVENTOR

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19307 Piper Pointe Ln.
Tomball, Texas 77375
Citizenship: US
INVENTOR

Sung H. Kuo
3618 Yupon St.
Houston, Texas 77006
Citizenship: US
INVENTOR



Shawn C. Bish
4169 Whitegate Dr.
Beavercreek, OH 45430
Citizenship: US
INVENTOR

EXHIBIT A

Write in Dark Ink on Front Side Only, Please

INVENTION DISCLOSURE			PAGE ONE OF _____		
PONO	DATE RCVD	ATTORNEY			
Instructions: The information contained in this document is HP Confidential and may not be disclosed to others without prior authorization. Submit this disclosure to the HP Legal Department as soon as possible. No patent protection is possible until a patent application is authorized, prepared, and submitted to the Government.					
Descriptive Title of Invention: Method of dynamically speed step bus speeds to allow maximum PCIX/PCI bus throughputs on a multi-slot PCIX/PCI bus segment.					
Name of Project: Sponge Bob					
Product Name or Number: HP Proliant ML370G4					
Was a description of the invention published, or are you planning to publish? If so, the date(s) and publication(s): No					
Was a product or prototype including the invention (i) announced, offered for sale, or sold to any third party (for example, customer, supplier, contractor, manufacturer), or (ii) sold to HP by, for example, a supplier or contract manufacturer, or (iii) is such activity proposed? If so, when and to whom? No					
Was the invention disclosed to anyone outside of HP, or will such disclosure occur? If so, the date(s) and name(s): No					
<small>If any of the above situations will occur within 3 months, call your IP attorney or the Legal Department now at 1-898-4919 or 970-898-4919.</small>					
Was the invention described in a lab book or other record? If so, please identify (lab book #, etc.) No.					
Was the invention built or tested? If so, the date: Yes. Concept prototyped [REDACTED]					
Was this invention made under a government contract? If so, the agency and contract number: No					
Description of Invention: Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).					
A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.) B. Advantages of the invention over what has been done before. C. Problems solved by the invention. D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.). Signature of Inventor(s): Pursuant to my (our) employment agreement, I (we) submit this disclosure on this date: [REDACTED] 1.					
10018309	Alan M Green	Signature	100508	ISS Platform Eng	
Employee No.	Name		Telnet	Mailstop	
Name					
10016368	Sung (Jim) H Kuo	Signature	100508	ISS Platform Eng.	
Employee No.	Name		Telnet	Mailstop	
Name					
07735090	Shawn C Bish	Signature	100508	ISS Platform Eng.	
Employee No.	Name		Telnet	Mailstop	
Name					
Employee No.	Name	Signature	Telnet	Mailstop	Entity & Lab
(If more than four inventors, include additional information on another copy of this form and attach to this document)					

Form 3.1 idf.doc, rev. [REDACTED]

Write in Dark Ink on Front Side Only, Please

INVENTION DISCLOSURE		HP Confidential	PAGE	OF
Signature of Witness(es): (Please try to obtain the signature of the person(s) to whom invention was first disclosed.) The invention was first explained to, and understood by, me (us) on this date: []				
Full Name	Signature		Date of Signature	
Full Name	Signature		Date of Signature	
Inventor & Home Address Information: (If more than four inventors, include add'l. information on a copy of this form & attach to this document)				
Inventor's Full Name				
Alan M Green				
Street				
19307 Piper Pointe Ln	City	State	Zip	
Tomball		TX	77375	
Do you have a Residential P.O. Address? P.O. BOX	City	State	Zip	
N/A				
Greeted as (nickname, middle name, etc.)	Citizenship			
N/A	USA			
Inventor's Full Name				
Sung H Kuo				
Street				
13222 Champion Centre Dr #518	City	State	Zip	
Houston		TX	77069	
Do you have a Residential P.O. Address? P.O. BOX	City	State	Zip	
N/A				
Greeted as (nickname, middle name, etc.)	Citizenship			
Jim	USA			
Inventor's Full Name				
Shawn C Bish				
Street				
11938 Solon Springs Dr	City	State	Zip	
Tomball		TX	77375	
Do you have a Residential P.O. Address? P.O. BOX	City	State	Zip	
N/A				
Greeted as (nickname, middle name, etc.)	Citizenship			
	USA			
Inventor's Full Name				
Street				
City	State	Zip		
Do you have a Residential P.O. Address? P.O. BOX	City	State	Zip	
Greeted as (nicknames, middle name, etc.)	Citizenship			

Form 3.1 idf.doc, rev. [REDACTED]

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Description of Invention: Please preserve all records of the invention and attach additional pages for the following. Each additional page should be signed and dated by the inventor(s) and witness(es).

- A. Description of the construction and operation of the invention (include appropriate schematic, block, & timing diagrams; drawings; samples; graphs; flowcharts; computer listings; test results; etc.) Provides a method of detecting and limiting the maximum PCI/PCIX bus protocol and speed allowed on a given PCI/PCIX bus segment based on the following factors: number(s) of adapter(s) installed, type of adapter(s) installed, signal integrity concerns, and adapter population orders. The logic will detect the number of agents on the IO bus and change the speed and/or bus protocol according to what it will support in the configuration and still meet timing requirement. Please see attached page for detailed description of functional block diagrams and PAL code implementations.
- B. Advantages of the invention over what has been done before. Allow users to trade off between numbers of slots used versus the performance required on any given PCIX/PCI bus segment. This implementation allows a designer the flexibility to design for both max throughput of an IO bus and for max expansion of an IO bus in one design. Previously a bus was designed to run at a frequency and protocol in which the worst case timing was present, i.e. all slots populated on a given bus segment. So for a large number of slots desired, maximum throughputs would have to be reduced (due to cost or bus number limitations) to achieve the desired slot numbers. With this implementation, the system can automatically detect how many slots are populated on a bus and dynamically change the bus to the maximum throughput allowed for any given number of populated slot(s). Rather than restrict the users to one slot per bus segment, as limited by PCIX-133/266 MHz specification, the system designer can now provide multiple PCI/PCIX slots on a given bus segment. In our implementation, a user can populate a single slot and obtain performance of up to PCIX-266Mhz speed, or populate 2 slots and get PCIX-100MHz performance. In addition the implementation would adhere to all protocol by being fully backward compatible, i.e. Installing a PCI-66 card in either of the slot will yield a PCI-66 bus.
- C. Problems solved by the invention. Before this invention, a designer was forced to make the tradeoff between providing only one expansion slot that supported the maximum bus speed of PCIX-266Mhz, or two expansion slots, which provided maximum expansion to the user while sacrificing performance (bus speed) to only PCIX-100Mhz. The decision was made up front and there was no flexibility in the usage model. This limits the customer on their choices and adds additional cost to the system (adding more bridges to create more slots, for example). With this method, maximum speed is automatically determined so the trade offs will only have to be made with actual slot population. If customer wants throughput, one slot should be populated. If customer wants expansion, the maximum number of slots can be populated. System will automatically optimize between speeds and expandability based on end users' specific needs.

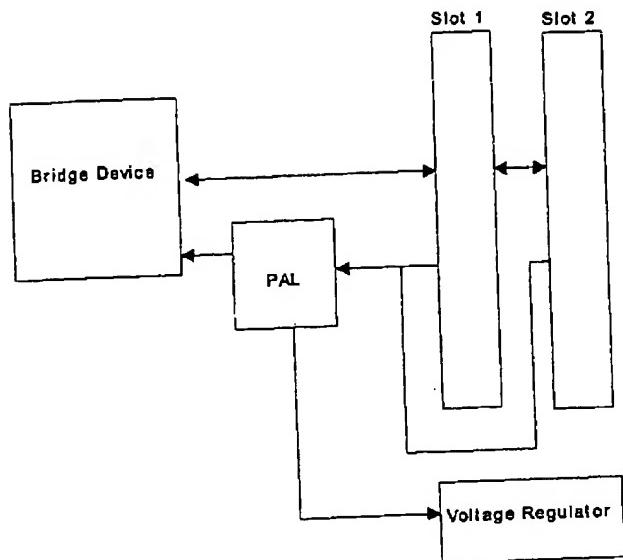
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automatically optimize between speeds and expandability based on end users' specific needs.

- D. Prior solutions and their disadvantages (if available, attach copies of product literature, technical articles, patents, etc.). N/A

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Example block diagram:



Example implementation requirements:

1. Bridge device is capable of running up to maximum allowed speed (PCIX-266Mhz).
2. Up to 2 slots per PCIX/PCI bus segment populated.
3. PCI Bus routing should be length matched.
4. Maximum bus speed can only be achieved if only slot 2 is populated.
5. Bus routing is to slot 1 first than to slot 2. This allows slot 2 to be running at top speed if slot 1 is not populated (no stub).

Form 3.1 idf.doc, rev. [REDACTED]

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Example feature summary:

1. Slot 2 would allow up to PCIX-266Mhz mode operation if slot 1 is not populated.
2. If both slot 1 and slot 2 are populated, or if slot 1 is populated by itself, the bus will be limited to run at max of PCIX-100Mhz only (or PCI-66Mhz or PCI-33Mhz depends on what the card is capable of).
3. PAL code will dynamically change the IO voltage to meet the PCIX and PCIX2 requirements (3.3V vs. 1.5V).
4. Bus speed is setup via hardware. This implementation is BIOS code independent (No software involvement necessary).

Example PAL code equations:

SLOT PRESENT EQUATIONS

```
assign slot1_pres_ = slot1_psnt1_ & slot1_psnt2_; //Send these nets to RC to delay VAUX turn on when
card is present in slot
assign slot2_pres_ = slot2_psnt1_ & slot2_psnt2_;
assign slot3_pres_ = slot3_psnt1_ & slot3_psnt2_;
assign slot4_pres_ = slot4_psnt1_ & slot4_psnt2_;
assign slot5_pres_ = slot5_psnt1_ & slot5_psnt2_;
assign slot6_pres_ = slot6_psnt1_ & slot6_psnt2_;
```

MODE 2 EQUATIONS

```
//If powergood is low, always drive 0V, if pgood is high, then if slot 1 is installed(electrical ground),
//mask the mode2 capability of the bus by driving the net low.
assign slot2_mode2 = !pgood ? 1'b0 : slot1_pres_ ? 1'b1 : 1'b0;
```

PCI-X 133/100 EQUATIONS

```
//PCI bus will support 133 PCICLK if one card is installed in slot furthest from IO bridge, meaning
middle slot isn't installed. 0=133Mhz, 1=100Mhz
assign s12_pcix_strap_100 = !pgood ? 1'b0 : syspgd ? 1'bz : slot1_pres_ ? 1'b0 : 1'b1;
//PCI bus will support 133 PCICLK if one card is installed in slot furthest from IO bridge.
assign s34_pcix_strap_100 = !pgood ? 1'b0 : syspgd ? 1'bz : slot3_pres_ ? 1'b0 : 1'b1;
//PCI bus will support 133 PCICLK if one card is installed in slot furthest from IO bridge.
assign s56_pcix_strap_100 = !pgood ? 1'b0 : syspgd ? 1'bz : slot5_pres_ ? 1'b0 : 1'b1;
```

EXHIBIT B



MC 110701
20555 SH 249
Houston, TX 77070
www.hp.com

N. Rhys Merrett
OUTSOURCING ATTORNEY

972 862 7428 Tel
972-862-7438 Fax
rhys.merrett@hp.com

October 9, 2003

Michael Heim
Conley Rose PC
7100 JPMorgan Chase Tower
600 Travis Street
Houston, TX 77002-2912

RE: Preparation of Patent Application
Pursuant to Outside Counsel Procedures Dated November 2001
HP Reference No.:200313807-1
Entitled: Method Of Dynamically Speed Step Bus Speeds To Allow Maximum PCIX/PCI
Bus Throughputs On A Multi-slot PCIX/PCI Bus Segment.

HP Required Date: [REDACTED]

Dear Michael:

We would like you to provide a quote of the cost for your firm to prepare a US Patent application based on the HP Invention Disclosure identified above, a copy of which is enclosed.

Your quote should be based on preparing an application including the items noted on the enclosed Outside Counsel Checklist and according to HP's Outside Counsel Procedures referenced above, for filing by our Required Date.

Your quote should be submitted on the enclosed Request for Quote and Engagement Letter Agreement. If your quote is accepted, we will return a fully executed copy of the Agreement to you for your records. **The Agreement will not be binding on you or on HP until signed by HP's authorized representative.**

If the Agreement is not signed and returned to HP, any bills submitted by you cannot be paid.

Thank you for your assistance in reviewing this invention disclosure. If your review indicates a possible conflict for your firm, you should advise us within one week of receipt of this letter.

Sincerely,

N. Rhys Merrett / cm

N. Rhys Merrett

Enc.: HP Invention Disclosure
RFQ
Filing Procedures Checklist
Supplemental Procedures

EXHIBIT C

Request for Quote and Engagement Letter Agreement

RE: Hewlett-Packard (HP) Docket No.: 200313807-1

Date: October 9, 2003 2162-20900

 This is a request for a quote for the following services: This is a confirmation of your quote for the following services:**ORIGINAL****PREPARE** Application New Patent Application File with USPTO Response Return to HP for filing Other: YOUR FINISHED PRODUCT TO HP SHOULD INCLUDE ALL ITEMS ON THE ENCLOSED CHECKLIST**HP REQUIRED DATES:** _____ Date for Receipt by HP

_____ Date to be Filed in PTO

HP Attorneys of Record: (to be included on the Declaration)Customer Number **022879****HP Primary Technical Contact:** ALL INVENTORS SEE DISCLOSURE FOR DETAILS**Telephone:****HP Entity:****Address:****ADDITIONAL TERMS OR INSTRUCTIONS:**

Please prepare a new patent application and drawing set for the attached invention disclosure. Please submit your draft application via email to rhys.merrett@hp.com (with a cc to susan.scott@hp.com) no later than the dates requested above. Please file the approved application, drawings, and applicable formal documents in accordance with the requested due dates. There is no foreign filing for this case.

PLEASE NOTE: We have recently changed our procedures regarding Assignment documents. Please file the executed Assignment document with the PTO at the time of filing the application.

TOTAL PRICE: _____ **(Including Formal Drawings)**

Total Price to include up to a 2 hr. preliminary patentability search unless otherwise instructed by HP Attorney

I agree to the terms of this Agreement including the additional terms above, pursuant to the HP Procedures for Outside Counsel revised _____, which I have received and reviewed. This Agreement will not be binding on either party until signed by an authorized representative of HP.

Attorney at your firm handling this matter: Jonathan M. HarrisBy: Michael Heim Conley Rose PC Heim HEWLETT-PACKARD COMPANYBy: N. Rhys MerrettDated: October 10, 2003 Dated: _____

EXHIBIT D

Colleen Brown

From: Colleen Brown
Sent: Friday, November 07, 2003 9:55 AM
To: 'jim.kuo@hp.com'; 'alan.green@hp.com'; 'shawn.bish@hp.com'
Cc: Jon Harris
Subject: HP PDNO 200313807-1 1ST DRAFT PAT APP FOR REVIEW & APPROVAL (2162-20900)
Importance: High

Some parts of this correspondence may be protected under certain legal privileges, including the attorney-client and work product privileges. This email is only intended for the recipient listed in the address.

U.S. Patent Application No.: NOT YET FILED
Formal Title: Bus Configuration Based On Card Location
Inventors: Sung H. Kuo; Alan M. Green and Shawn C. Bish
HP PDNO: 200313807-1
Our Ref. No.: 2162-20900
Resp. Atty.: N. Rhys Merrett

Attached is the initial draft of a patent application for the above-identified invention. Please read the application over carefully, checking it against the drawings. Be sure that the best mode of making and using the invention is completely and accurately described in the application. Also, please review the claims so that we can be sure that they accurately define the invention for which HP seeks patent protection.

A careful review of the application now will pay dividends in the future. After you have completed your review, please provide Jon Harris with your comments either orally @ (713) 238-8045, in writing or by return email (jharris@conleyrose.com) so that the comments may be incorporated into the application. The comments cannot be too extensive. Please use the "track changes" tool when making revisions to the attached document.

Lastly, please confirm that your name, residential address and citizenship status on the cover page of the application are correct.

Please provide us with your comments as soon as reasonably possible, and preferably no later than [REDACTED] so that the application can be forwarded to HP counsel for review and approval.



1ST DRAFT PAT 1ST DRAFT DWG
PP 200313807-1...IGS 200313807-1...

Colleen F. Brown
Legal Assistant
CONLEY ROSE, P.C.
600 Travis, Suite 7100
Houston, TX 77002-2912
Main No.: (713) 238-8000
Fax No.: (713) 238-8008
Direct Dial: (713) 632-1653
Email: cbrown@conleyrose.com

EXHIBIT E

Colleen Brown

From: Colleen Brown
Sent: Thursday, November 13, 2003 9:57 AM
To: 'Merrett, N. Rhys'
Subject: HP PDNO 200313807-1 FINAL DRAFT PAT APP FOR REVIEW & APPROVAL (2162-20900)
Importance: High

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U.S. Patent Application No.: NOT YET FILED
Formal Title: Bus Configuration Based On Card Location
Inventors: Sung H. Kuo; Alan M. Green and Shawn C. Bish
HP PDNO: 200313807-1
Our Ref. No.: 2162-20900
Resp. Atty.: N. Rhys Merrett

Dear Rhys:

Attached for your review and approval is the final draft of the patent application for the above-identified matter. The inventors have approved this final draft. Please provide us with your comments/revisions as soon as reasonably possible. HP requested that this patent application be filed by [REDACTED]

Should you have any questions, please contact Jon Harris at (713) 238-8045.



P ATTY DWG FIGS HP ATTY DRAFT
200313807-1.p... AT APP 20031380..

Colleen F. Brown
Legal Assistant
CONLEY ROSE, P.C.
600 Travis, Suite 7100
Houston, TX 77002-2912
Main No.: (713) 238-8000
Fax No.: (713) 238-8008
Direct Dial: (713) 632-1653
Email: cbrown@conleyrose.com

EXHIBIT F

Colleen Brown

From: Merrett, N. Rhys [rhys.merrett@hp.com]
Sent: Wednesday, January 07, 2004 7:42 PM
To: Colleen Brown
Subject: RE: HP PDNO 200313807-1 FINAL DRAFT PAT APP FOR REVIEW & APPROVAL (2162-20900)
Importance: High

Colleen,

[REDACTED]

I have reviewed and approve for filing the updated version of the application.

Thanks,

Rhys

N. Rhys Merrett
HP Outsourcing Attorney
972-862-7428

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

-----Original Message-----

From: Colleen Brown
Sent: Wednesday, December 17, 2003 3:03 PM
To: 'Merrett, N. Rhys'; Jon Harris
Subject: RE: HP PDNO 200313807-1 FINAL DRAFT PAT APP FOR REVIEW & APPROVAL (2162-20900)
Importance: High

Dear Rhys:

Attached for your review and approval is a revised draft of the patent application for the above-identified matter. Should you have any questions, please call Jon Harris at (713) 238-8045.

Colleen

-----Original Message-----

From: Merrett, N. Rhys [mailto:rhys.merrett@hp.com]
Sent: Friday, December 05, 2003 10:42 AM
To: Jon Harris
Cc: Colleen Brown

Subject: RE: HP PDNO 200313807-1 FINAL DRAFT PAT APP FOR REVIEW & APPROVAL (2162-20900)
Importance: High

Jon,

[REDACTED]

I am returning the draft application with embedded comments and inserted change proposals. Please review carefully in conjunction with the Quality Review Checklist and then give me a call to discuss.

I'd like to see an updated version before the application is filed and will give it a prompt review.

Thanks

Rhys

N. Rhys Merrett
HP Outsourcing Attorney
972-862-7428

-----Original Message-----

From: Colleen Brown [mailto:cbrown@conleyrose.com]
Sent: Thursday, November 13, 2003 7:57 AM
To: Merrett, N. Rhys
Subject: HP PDNO 200313807-1 FINAL DRAFT PAT APP FOR REVIEW & APPROVAL (2162-20900)
Importance: High

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U.S. Patent Application No.: NOT YET FILED
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Resp. Atty.: N. Rhys Merrett

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Should you have any questions, please contact Jon Harris at (713) 238-8045.